Mail Stop RCE *(OIPE IAP85 AUG 18 2006 PATENT & TRADEMARK)* **REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**	Application Number — 10/622,562 Filing Date — 18 July 2003 Inventor(s) — Ho Conf. No. — 4794 Group Art Unit — 3743 Examiner — Patel, Nihir B.
Express Mail Label No.: EV 196253275 US	Attorney Docket No. — 01-12

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37. C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice , Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

   a. ☐ Previously submitted
      i. ☐ Consider the Amendment(s)/Response under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered Amendment(s) referred to above will be entered).
      ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
      iii. ☐ Other: _____

   b. ☒ Enclosed
      i. ☒ Amendment/Reply;
      ii. ☒ Affidavit(s)/Declaration(s);
      iii. ☐ Information Disclosure Statement (IDS); and/or
      iv. ☐ Other: _____

2. **Miscellaneous**

   a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(I) required)

   b. ☐ Other: _____

3. **Petition For Extension of Time**
   A Petition to Extend the life of the present application to at least to the date hereof:

   a. ☒ is not necessary.
   b. ☐ was previously filed on _____.
   c. ☐ is being concurrently filed in this application. (The fee for this petition is itemized below)

4. **Fees** (Fee Transmittal Form is attached - in duplicate)

   a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 50-0558.
      i. ☒ RCE fee of $790.00 required under 37 C.F.R. § 1.17(e)
      ii. ☒ Extension of time fee of $_____ required under 37 C.F.R. §§ 1.136 and 1.17
      iii. ☐ Other: _____

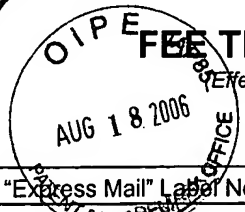   b. ☐ Check in the amount of $_____ enclosed, check no. _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Individual and Company	Richard J. Coldren, Reg. No. 44,084 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	*Richard J. Coldren*
Date	18 August 2006

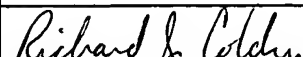| **CERTIFICATE OF MAILING**		
I hereby certify that this correspondence and all enclosures are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <u>18 August 2006</u>, Express Mail Label No. <u>EV 196253275 US</u>.		
Typed Name	Richard J. Coldren, Reg. No. 44,084	
Signature	*Richard J. Coldren*	Date — 18 August 2006

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01 FC:1801 790.00 DA

Application Number	10/622,562
Filing Date	18 July 2003
First Named Inventor	Ho
Confirmation Number	4794
Group Art Unit	3743
Examiner's Name	Patel, Nihir B.
Attorney Docket No.	01-12

FEE TRANSMITTAL
(Effective 12/08/2004)

OIPE
AUG 18 2006

"Express Mail" Label No. EV 196253275 US

TOTAL AMOUNT OF PAYMENT $ 790.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: **50-0558**

Deposit Account Name: **Respironics, Inc.**

☒ Charge any additional fee required under 37 C.F.R. §§ 1.16, 1.17 1.19 and 1.20

☐ Charge the Issue Fee set forth in 37 C.F.R. § 1.18

2. ☐ Payment Enclosed:
   Check (Check No. _____)

FEE CALCULATION *(fees effective 12/08/2004)*

1. BASIC FILING, SEARCH, AND EXAM FEES

(Large Entity Only)

Appln. Type	Filing Fee($)	Search Fee($)	Exam Fee($)	Fees Paid
Utility	300	500	200	
Design	200	100	130	
Plant	200	300	160	
Reissue	300	500	600	
Provisional	200	0	0	

SUBTOTAL (1) $ 0.00

2. CLAIMS

	Extra Claims	Fee from Below	Fee Paid
Total Claims	___ - ___ * ___ x	50 =	
Ind. Claims	___ - ___ * ___ x	200 =	
Multiple Dependent Claims add		360 =	

* Enter Highest Number Previous Paid For

Large Entity Fee ($)	Small Entity Fee ($)	Fee Description
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim
1204 200	2204 100	Reissue independent claims over original patent
1205 50	2205 25	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) $ 0.00

FEE CALCULATION (continued)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 for each additional 50 sheets or fraction thereof. See 35 U.S.C. § 41(a)(1)(G) and 37 C.F.R. § 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 fraction thereof	Fee($)	Fee Paid($)
_____ -100 =	_____ /50 =	_____ (round up to a whole number) X	250 =	0.00

4. ADDITIONAL FEES

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or declaration	
1811	100	1811	100	Certificate of Correction	
1812	2,520	1812	2,520	For filing a request for reexamination	
576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
1251	120	2251	60	Extension for response within first month	
1252	450	2252	225	Extension for response within second month	
1253	1,020	2253	510	Extension for response within third month	
1254	1,590	2254	795	Extension for response within fourth month	
1255	2,160	2255	1,080	Extension for response within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive unavoidably abandoned application	
1453	1,500	2453	750	Petition to revive unintentionally abandoned application	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1814	130	2814	65	Statutory Disclaimer	
1460	130	1460	130	Petitions to the Director	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1801	790	2801	395	Request for Continued Examination	790.00
1504	300	1504	300	Publication Fee	

Other Fee (specify) _____

SUBTOTAL (3) $ 790.00

SUBMITTED BY

Typed or Printed Name	Richard J. Coldren	Reg. Number	44,084
Signature	*Richard J. Coldren*	Date: 18 August 2006	Deposit Account Number: 50-0558

RI-104 A (Rev. 03/2006)